support of his submission he quoted the cases of *Jarrett v. Barclays Bank Ltd.*[1], at page 63, *In re Debtor*[2], *at page* 239, *Ex parte Harper*[3], *Lewis v. Leonard*[4], *In re Leadbitter*[5], *Harper v. Greensill*[6], and *Barter & Co. v. Dubeux & Co.*[7], at page 416, and produced by consent a bundle of agreed documents, Ex. D.1, relevant letters being on pages 3, 4, 5, 8, 9, 11, 12, 13, 14, 17, 18 and 20.

In reply the learned counsel for the plaintiff stated that the plaintiff was suing the defendant creditor for obtaining the amount by fraudulent means and that there was no authority to show that a discharged bankrupt could not sue a fraudulent creditor in Court.

With the view submitted by the learned counsel for the defendant I am inclined to agree. From the authorities quoted above, it is clear that the property of a bankrupt became the property of the creditors and the Official Assignee was the trustee for the creditors. Thereafter, only the trustee could deal with the property and only he could effectively complain against the creditors. The bankrupt could 'not go behind the trustee', and I agree with Mr. Das that the plaintiff, a discharged bankrupt, has no *locus standi* and has no right of action to set aside an admission of proof of debt to a creditor in bankruptcy by the Official Assignee or obtain a refund of dividend wrongly paid by the Official Assignee to such creditor in bankruptcy.

In my opinion, the proper course, if any, would be for the plaintiff to adopt the procedure as provided by section 79 of the Bankruptcy Enactment (Cap. 55).

For the reasons stated above, in my view, the plaint discloses no cause of action against the defendant and the suit should be dismissed with costs.

Suit dismissed.

Solicitors: *M. Abraham; Chabra & Dharmananda.*

PUBLIC PROSECUTOR v. CHIEF EXECUTIVE SECRETARY, M.C.A.

[A. Cr. J. (Smith J.) November 7, 1957]

[K. L. — Criminal Appeal No. 35 of 1957]

Road Traffic — Carriage of goods without permit — Station wagon used therefor on public road — Vehicles used for private purposes — Motor Vehicles Commercial Use Regulations, reg. 7(ii).

Interpretation — Short title as aid to construction.

In this case the motor vehicle in question was a station wagon belonging to the Malayan Chinese Association. One day the vehicle driven by a servant of the Association was carrying a mixed load of chairs and tables and table covers. There was no dispute that the articles in the van were being carried for the use of the Association and that they were not to be used for any commercial purpose. The respondent was charged for contravening reg. 7(ii) of the Motor Vehicles Commercial Use Regulations and the learned Magistrate acquitted him without calling his defence.

On appeal by the Public Prosecutor,

Held: (1) the intention of the Motor Vehicles Commercial Use Regulations is to control the use of motor vehicles when used commercially;

(2) in this case the motor vehicle was not used commercially and therefore the learned Magistrate was right in acquitting the respondent.

Case referred to:—

(1) *Khoo Teck Yam v. Public Prosecutor* (1955) M.L.J. 113.

MAGISTRATE'S CRIMINAL APPEAL.

Mohd. Salleh bin Abas (Federal Counsel) for the appellant.

J. A. B. Lang for the respondent.

Smith J.: — The defendant was charged before the Magistrate's Court, Kuala Lumpur on the following charge and acquitted without his defence being called:—

"That you on 14.9.56 at about 6.30 p.m. at Ipoh Road, Kuala Lumpur, being the owner of Motor Van No. BC 3401 did use the said vehicle on the public road for the carriage of goods without a permit, and that you have thereby committed an offence under Regulation 7(ii) of the Motor Vehicles Commercial Use Regulations and punishable under the same Regulations."

The facts are simple and not in dispute. The motor vehicle in question is a station wagon belonging to the Malayan Chinese Association and is registered in the name of the Chief Executive Secretary of the Association. One day the station wagon driven by a servant of the defendant was carrying a mixed load of 150 chairs and tables and 40 table covers. There is no dispute that the articles in the van were being carried for the use of the Association and that they were not to be used for any commercial purpose. The Regulation under which the defendant was charged is Regulation 7(ii) which reads as follows:—

"Any person who uses or causes or permits to be used or who abets the use of a motor vehicle for the conveyance of passengers for hire or reward or for the carriage of goods without a permit or licence or otherwise in contravention of these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment".

The argument for the prosecution was that the Regulation prohibits the carriage of goods whether the goods are carried for private purposes or for commercial purposes, and the sole point which has to be decided is whether or not the chairs, etc. are goods.

"Goods" are defined in the Regulations as follows:—

"Goods or burden of any description but does not include passengers' luggage carried on a passenger vehicle in which the passenger is travelling".

I have no hesitation in finding that the chairs, etc. are goods within the meaning of that definition since they are clearly not passengers' luggage.

The respondent's argument is that the Regulations must be read as a whole to discover what is being controlled. The Regulations as a whole include the short title which in this case is "The Motor Vehicles Commercial Use Regulations". From the terms of the short title it would appear that the legislature is controlling motor vehicles when used commercially and not motor vehicles when used privately. The authority for reading the short title as an aid to the construction of the written law as a whole can be found in *Maxwell* on Interpretation of Statutes, 9th Edition, pages 44 — 45.

If the Regulations were not confined to commercial user there would arise the absurd consequences referred to *obiter* by Buhagiar J. in *Khoo Teck Yam v. Public Prosecutor*[1] that the person who takes home a pot of flowers in his private motor vehicle commits an offence. Since it is possible to adopt a construction to avoid this absurdity that construction (incidentally in this case favourable to the subject) should be adopted.

I am satisfied that the intention of these Regulations is to control the use of motor vehicles when used commercially. In this case the motor vehicle was not used commercially and for that reason I agree with the learned Magistrate that no offence was disclosed by the prosecution since the chairs and tables were being carried for the private purposes of the Association. For these reasons the appeal is dismissed.

There is also a further reason for dismissing the appeal. The charge relates to an offence on the 14th September, 1956. At the trial evidence was given that the respondent was the owner of the motor vehicle on the 14th September, 1956, but all the evidence concerning the commission of the offence related to the 14th December, 1956. There was no evidence on the record supplied that on the day of the offence the respondent was in any way connected with the vehicle and for this reason also the appeal is dismissed.

Appeal dismissed.

Re DAVID GREIG IRONSIDE

[O. C. J. (Whyatt C.J.) April 2, 1958]

[Singapore — Admission of Advocates & Solicitors No. 2 of 1958.]

Advocates and Solicitors — Admission — Notice of application — Posting of, at Registrar's office — Shortening of period — Petition for admission by member of Federation Bar to Singapore Bar — Whether 7 years practice in Federation a special ground — Advocates and Solicitors Ordinance (Cap. 188), s. 5(5).

The petitioner, a member of the Federation Bar, asked the Court to exercise its powers under section 5(5) of the Advocates and Solicitors Ordinance to reduce the period of posting of the notice of his application for admission to the Singapore Bar from 6 months to 2 months, and relied on two special grounds: (i) that he had been engaged in the Federation in the active practice of his profession after having qualified as an advocate and solicitor of the Federation of Malaya, and (ii) that he had been so engaged for seven years.

Held: (1) the first ground is a ground expressly provided for in the subsection;

(2) there is nothing special or exceptional about being an advocate and solicitor of seven years standing. this fact cannot constitute a special ground for the purpose of subsection (5) of section 5 of the Ordinance.

Petition dismissed.

Case referred to:—

(1) *In re Shawcross,* (1956) M.L.J. 104.

ADMISSION OF ADVOCATES & SOLICITORS.

J. D. Donnelly for the petitioner.

K. Gould for the Bar Committee.

Miss Rennie Chew (Crown Counsel) for the Attorney-General.

Whyatt C.J. : — This is a petition by David Greig Ironside for admission to the Singapore Bar. The petitioner is at present a member of the Federation Bar and fulfills all the necessary statutory requirements for admission to the Singapore Bar except one : the notice of his application for admission has not been posted at the Registrar's Office for the statutory period of six months. The petitioner therefore asks the Court to exercise its powers under sub-section (5) of section 5 of the Advocates and Solicitors Ordinance to reduce the period of notice from six months to two months, citing as the special grounds for doing so, that he has practised as a member of the Federation Bar since the 21st February 1951.

Counsel for the Bar Committee opposed the application to reduce the period, contending that the fact that the petitioner had practised in the Federation for the past seven years was not in itself a special ground within the meaning of sub-section (5) of the Ordinance. In the course of his argument counsel for the Bar Committee informed the Court that prior to 1953 it was necessary for every person wishing to be admitted to the Singapore Bar, not only to give six months' notice of his petition but also to receive instruction in law for six months in an advocate and solicitor's office in Singapore unless the Court ordered, on special grounds, that the period should be reduced or dispensed with, but that in that year an amendment was made to the Advocates and Solicitors Ordinance exempting a member of the Federation Bar from the requirement